

ASSEMBLY BILL

No. 38

Introduced by Assembly Member Salas

December 1, 2008

An act to add Section 68085 to, and to repeal Section 68075.5 of, the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 38, as introduced, Salas. Postsecondary education: resident classification: veterans.

(1) Under existing law, the segments of the public postsecondary education system in the state include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges.

Existing law establishes uniform student residency requirements for purposes of ascertaining the amount of tuition and fees to be paid by students of public postsecondary education institutions. Existing law entitles a student who was a member of the Armed Forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the Armed Forces to resident classification for the length of time he or she lives in this state after being discharged up to the minimum time necessary to become a resident.

This bill would repeal that provision and would instead enact the Veterans Education Assistance Act of 2009, which would entitle a student who was a member of the Armed Forces to resident classification

for the length of time he or she lives in this state after being discharged up to the minimum time necessary to become a resident, if the student meets specified eligibility requirements, including, among other requirements, being eligible for federal veterans education benefits.

By requiring community college districts to change their practices with respect to determining residency, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 68075.5 of the Education Code is
2 repealed.

3 ~~68075.5. A student who was a member of the armed forces of~~
4 ~~the United States stationed in this state on active duty for more~~
5 ~~than one year immediately prior to being discharged from the~~
6 ~~armed forces is entitled to resident classification for the length of~~
7 ~~time he or she lives in this state after being discharged up to the~~
8 ~~minimum time necessary to become a resident.~~

9 SEC. 2. Section 68085 is added to the Education Code, to read:

10 68085. (a) This section shall be known and may be cited as
11 the Veterans Education Assistance Act of 2009.

12 (b) A student who was a member of the Armed Forces of the
13 United States shall be entitled to resident classification for the
14 length of time he or she lives in this state after being discharged
15 up to the minimum time necessary to become a resident, if the
16 student meets all of the following requirements:

17 (1) Is eligible for benefits pursuant to the federal Post-9/11
18 Veterans Educational Assistance Act of 2008 (Public Law 110-252)
19 or any other federal act establishing veterans education benefits.

20 (2) Is honorably discharged or released from service.

1 (3) Provides documentation of a domicile in the state, as
2 specified in subdivision (c).

3 (4) Provides documentation of a community service position
4 approved by the institution, as specified in subdivision (d). For
5 purposes of this section, a qualifying community service position
6 shall be determined by the institution.

7 (c) For purposes of paragraph (3) of subdivision (b),
8 documentation of domicile shall include one of the following:

9 (1) A copy of a lease under which the student or the student's
10 spouse is the lessee and occupant of a residential rental property
11 in this state.

12 (2) A copy of a closing statement on a residential real property
13 in this state, of which the student or the student's spouse is the
14 owner and occupant.

15 (3) If the student or the student's spouse is not the lessee or
16 owner of a residence in the state, a letter from the owner of a
17 residential real property certifying that the student resides at that
18 property.

19 (d) For purposes of paragraph (4) of subdivision (b),
20 documentation of a community service position approved by the
21 institution shall include a sworn statement by the community
22 service provider or the community service provider's representative
23 on the letterhead of the community service provider that the student
24 has agreed to volunteer or work for the community service provider
25 during the time that the student is enrolled at the institution.

26 (e) As used in this section, "domicile" means a place in which
27 the student's habitation is fixed, where the student has the intention
28 of remaining, and to which, whenever he or she is absent, he or
29 she has the intention of returning. At a given time, a student may
30 have only one domicile.

31 SEC. 3. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.